

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GLEND A D. ONEZINE,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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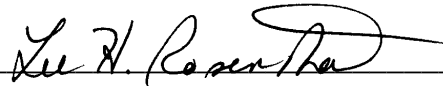
CIVIL ACTION NO. H-07-2365

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
AND REMANDING**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on August 28, 2008. This court has also reviewed the plaintiff's response and objections; the motions, pleadings, and record; and the applicable law. This court has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on that review, this court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order. Substantial evidence supports the Administrative Law Judge's decision that Onezine was not disabled and was capable of gainful employment, and the Administrative Law Judge applied the proper legal standards to the determination. Onezine's objections raise the same arguments that the Magistrate Judge considered and rejected. This court grants the

defendant's motion for summary judgment and denies the plaintiff's motion. Final judgment is entered by separate order

SIGNED on September 22, 2008, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge